

Cathy Bissoon, of Pennsylvania, to be United States District Judge for the Western District of Pennsylvania?

The yeas and nays were previously ordered.

The clerk will call the roll.

Mr. DURBIN. I announce that the Senator from Washington (Ms. CANTWELL), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Missouri (Mrs. McCASKILL), the Senator from New Mexico (Mr. UDALL), the Senator from Virginia (Mr. WEBB), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Utah (Mr. HATCH), the Senator from Georgia (Mr. ISAKSON), the Senator from North Carolina (Mr. BURR), the Senator from South Carolina (Mr. DEMINT), the Senator from South Carolina (Mr. GRAHAM), the Senator from Nevada (Mr. HELLER), the Senator from Idaho (Mr. RISCH), the Senator from Florida (Mr. RUBIO), and the Senator from Mississippi (Mr. WICKER).

Further, if present and voting, the Senator from Utah (Mr. HATCH) would have voted "yea" and the Senator from Georgia (Mr. ISAKSON) would have voted "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 82, nays 3, as follows:

[Rollcall Vote No. 166 Ex.]

YEAS—82

Akaka	Feinstein	Mikulski
Alexander	Franken	Moran
Ayotte	Gillibrand	Murkowski
Barrasso	Grassley	Murray
Baucus	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bennet	Hoeven	Portman
Bingaman	Hutchison	Pryor
Blumenthal	Inouye	Reed
Boozman	Johanns	Reid
Boxer	Johnson (SD)	Roberts
Brown (MA)	Johnson (WI)	Rockefeller
Brown (OH)	Kerry	Sanders
Cardin	Kirk	Schumer
Carper	Kohl	Sessions
Casey	Kyl	Shaheen
Chambliss	Landrieu	Shelby
Coats	Lautenberg	Snowe
Coburn	Leahy	Stabenow
Cochran	Lee	Tester
Collins	Levin	Thune
Conrad	Lieberman	Toomey
Coons	Lugar	Udall (CO)
Corker	Manchin	Vitter
Cornyn	McCain	Warner
Crapo	McConnell	Whitehouse
Durbin	Menendez	
Enzi	Merkley	

NAYS—3

Blunt	Inhofe	Paul
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NOT VOTING—15

Burr	Heller	Rubio
Cantwell	Isakson	Udall (NM)
DeMint	Klobuchar	Webb
Graham	McCaskill	Wicker
Hatch	Risch	Wyden

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table. The President will be immediately notified of the Senate's action.

AGRICULTURE RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT OF 2012—Continued

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. I thank the Chair. Shortly, along with the Senator from Colorado, I am going to discuss an amendment to the Agriculture appropriations bill we have offered. But, first, I am going to yield to the Senator from Texas for the purpose of his offering an amendment.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 775 TO AMENDMENT NO. 738

Mr. CORNYN. I thank the Senator from Maine. I have an amendment at the desk. I ask that it be called up and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mr. CORNYN] proposes an amendment numbered 775 to amendment No. 738.

Mr. CORNYN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit funding for Operation Fast and Furious or similar "gun walking" programs)

After section 217 of title II of division B, insert the following:

SEC. 218. No funds made available under this Act shall be used to allow the transfer of firearms to agents of drug cartels where law enforcement personnel of the United States do not continuously monitor and control such firearms at all times.

Mr. CORNYN. I will be back to talk to the substance of my amendment.

I yield the floor, and I thank the Senator from Maine.

Ms. COLLINS. Mr. President, I rise this evening to discuss an amendment numbered 757 that I have offered with my colleague from Colorado, Senator MARK UDALL, that would protect the flexibility of schools to serve healthy vegetables in the National School Lunch and School Breakfast Programs. This is a bipartisan amendment that we are offering. It is cosponsored by Senators CRAPO, RISCH, SNOWE, AYOTTE, WYDEN, JOHANNES, NELSON of Nebraska, MIKULSKI, and HOVEN.

Earlier this year, the U.S. Department of Agriculture proposed a rule that would limit servings of a certain category of vegetables that includes white potatoes, corn, peas, and lima beans. It would limit them to a total of one cup per week in the National School Lunch Program.

The proposed rule would also ban this category of vegetables altogether from

the School Breakfast Program. Our bipartisan amendment would prevent the Department of Agriculture from moving forward with this arbitrary limitation. I am concerned the proposed rule would impose significant cuts on schools and would limit the flexibility they need to serve nutritious, affordable meals to their students.

For those who are less familiar with this issue, let me give my colleagues some background. Current law already requires the School Lunch and School Breakfast Programs to follow the most recent dietary guidelines for Americans. Last year, the USDA released the newest dietary guidelines that call for all Americans of all ages to eat more vegetables.

The 2010 dietary guidelines list four nutrients of concern. They are potassium, dietary fiber, calcium, and vitamin D. The guidelines state that dietary intake of these four nutrients are low enough to be of public health concern for both adults and children.

Since USDA is concerned about a lack of these nutrients in the American diet, it would make sense for the Department to promote good sources of these critical nutrients. Yet the USDA's proposed rule would actually limit vegetables that are good sources of these nutrients. USDA should not limit their availability but instead should encourage their healthy preparation.

For example, here are some nutritional facts about potatoes that are often overlooked. Potatoes have more potassium than bananas, a food commonly associated with this nutrient. Potatoes are cholesterol free, low in fat and sodium, and can be served in countless healthy ways. In fact, a medium baked potato contains 15 percent of the daily recommended value of fiber—that is one of those nutrients of concern—27 percent of the daily recommended value for vitamin B6, 28 percent of the daily recommended amount of vitamin C. This is a great nutritional bargain at about a nickel per serving.

I am going to go on and discuss the rest of the problems with this rule and the solution, but I know my colleague from Colorado is under a time constraint. So at this point I am going to yield to him, my partner in this endeavor, for his statement. Then I will reclaim the floor and continue with my discussion.

The PRESIDING OFFICER (Mr. MANCHIN.) The Senator from Colorado.

Mr. UDALL of Colorado. I thank the Senator from Maine for her graciousness and for her leadership on this important amendment that she and I brought to the floor. Clearly, the 2012 Agriculture appropriations bill that will direct the USDA to provide adequate flexibility to schools to deliver students nutritious school meals while effectively managing costs is very important. But we have to do it in the right way. I want to share my thinking on what the right way is.